

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JACQUELINE ESCOBAR, *et al.*,

Plaintiffs,

vs.

JEL EVENTS, INC., *et al.*,

Defendants.

Case No. 2:13-cv-01917-JCM-CWH

ORDER

This matter is before the Court on Defendants' Response to the Order to Show Cause (#45), filed on February 3, 2014, and Notices of Compliance(#43 and 44), both filed on January 30, 2014. On January 15, 2014, the Court issued an Order granting with modifications the parties' Proposed Discovery Plan and Scheduling Order (#31). *See* Order #32. In doing so, the Court noted that the parties failed to comply with Local Rules ("LR") 26-1 and 26-4. Accordingly, the Court ordered all counsel of record, including Nicole Whyte and Nelson L. Cohen, to submit a notice to the court by January 27, 2014 certifying that they have reviewed the corrections listed in the order in addition to LRs 26-1 and 26-4. Nicole Whyte and Nelson L. Cohen failed to comply with the Court's Order. Accordingly, the Court issued an Order to Show Cause why Nicole Whyte and Nelson L. Cohen should not be sanctioned.

After careful review of the response brief and certification that Nicole Whyte and Nelson L. Cohen has reviewed the corrections and LRs 26-1 and 26-4, the Court finds that no sanctions are warranted at this time. Nicole Whyte and Nelson L. Cohen certified that they have reviewed LRs 26-1 and 26-4. Additionally, Nicole Whyte and Nelson L. Cohen promptly responded to the Court's Order to Show Cause and explained that the failure to comply was due to an unintentional misreading of the Court's instruction that all counsel of record submit certifications.

1 Based on the foregoing and good cause appearing therefore,

2 **IT IS HEREBY ORDERED** that sanctions, including monetary sanctions and a
3 recommendation for civil contempt, shall not be imposed on Nicole Whyte and Nelson L. Cohen
4 for their failure to comply with a court order in violation of Federal Rule of Civil Procedure 16(f)
5 and Local Rule IA 4-1.

6 DATED this 4th day of February, 2014.

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9 **C.W. Hoffman, Jr.**
United States Magistrate Judge